

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SAMUEL T. COHEN and JEROME BIRN,
On Behalf of Themselves and All Others
Similarly Situated and Derivatively on Behalf
of THE BEAR STEARNS COMPANIES,
INC.,

Plaintiffs,

vs.

JAMES E. CAYNE, SAMUEL L.
MOLINARO, JEFFREY M. FARBER,
JEFFREY MAYER, MICHAEL MINIKES,
ALAN D. SCHWARTZ, WARREN J.
SPECTOR, HENRY BIENEN, CARL D.
GLICKMAN, MICHAEL GOLDSTEIN,
ALAN C. GREENBERG, DONALD J.
HARRINGTON, FRANK T. NICKELL,
PAUL A. NOVELLY, FREDERIC V.
SALERNO, VINCENT TESE, WESLEY S.
WILLIAMS, JR.,

Defendants,

-and-

THE BEAR STEARNS COMPANIES, INC.,
a Delaware corporation,

Nominal Defendant

X

: Civil Action No. 07-cv-10453 (RMB)

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MOTION TO ADMIT JEFFREY P. FINK *PRO HAC VICE*

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern District of New York, I, David A.P. Brower, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Jeffrey P. Fink
Robbins Umeda & Fink, LLP
610 West Ash Street, Suite 1800
San Diego, CA 92101
Telephone: (619) 525-3990
Facsimile: (619) 525-3991

MAY 08 2008

07-1050-650125

FILED
U.S. DISTRICT COURT
2008 MAY -3 AM 11:21
SOUTHERN DISTRICT OF NEW YORK

Jeffrey P. Fink is a member in good standing of the Bar of the State of California (#199291). It is my belief that there are no pending disciplinary proceedings against Mr. Fink in any State or Federal Court.

Dated: May 7, 2008

Respectfully submitted,

BROWER PIVEN
A Professional Corporation



DAVID A.P. BROWER

488 Madison Avenue, Eighth Floor
New York, New York 10022
Telephone: (212) 501-9000
Facsimile: (212) 501-0300

Counsel for Plaintiff Samuel T. Cohen

ROBBINS UMEDA & FINK, LLP
JEFFREY P. FINK
GEORGE C. AGUILAR
JILL E. KLEMAN
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LAW OFFICES OF THOMAS G. AMON
THOMAS G. AMON
250 West 57th Street, Suite 1316
New York, New York 10107
Telephone: (212) 810-2430
Facsimile: (212) 810-2427

Counsel for Plaintiff Jerome Birn



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

April 25, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, JEFFREY PAUL FINK, #199291 was admitted to the practice of law in this state by the Supreme Court of California on December 9, 1998; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert
Custodian of Membership Records

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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On Behalf of Themselves and All Others	:
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PAUL A. NOVELLY, FREDERIC V.	:
SALERNO, VINCENT TESE, WESLEY S.	:
WILLIAMS, JR.,	:
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Defendants,	:
-and-	:
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THE BEAR STEARNS COMPANIES, INC.,	:
a Delaware corporation,	:
	:
Nominal Defendant	:
	:
	X

**AFFIDAVIT OF DAVID A.P. BROWER IN SUPPORT OF MOTION TO ADMIT
JEFFREY P. FINK *PRO HAC VICE***

State of New York)
) ss:
County of New York)

David A.P. Brower, being duly sworn, hereby deposes and says as follows:

1. I am a principle of Brower Piven, A Professional Corporation, counsel for plaintiff Samuel T. Cohen in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of the plaintiffs' motion to admit Jeffrey P. Fink as counsel *pro hac vice* to represent plaintiff Jerome Birn in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on July 13, 1983. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Jeffrey P. Fink since February 8, 2008.

4. Jeffrey P. Fink is a partner with Robbins Umeda & Fink, LLP, in San Diego, California.

5. I have found Mr. Fink to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move for the admission of Jeffrey P. Fink, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Jeffrey P. Fink, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Jeffrey P. Fink, *pro hac vice*, to represent plaintiffs in the above-captioned matter, be granted.

DATED: May 7, 2008
New York, NY

Respectfully submitted,

BROWER PIVEN
A Professional Corporation

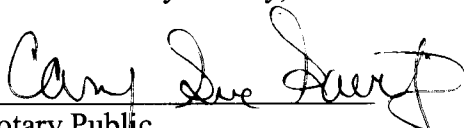


DAVID A.P. BROWER

488 Madison Avenue, Eighth Floor
New York, New York 10022
Telephone: (212) 501-9000
Facsimile: (212) 501-0300

Counsel for Plaintiff Samuel T. Cohen

SUBSCRIBED TO AND SWORN TO before
me this 7th day of May, 2008.



Notary Public

My Commission expires:

CARY SUE SAVITZ
NOTARY PUBLIC, State of New York
No. 31-4782189
Qualified in New York County
Commission Expires February 28, 2010

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SAMUEL T. COHEN and JEROME BIRN,	: Civil Action No. 07-cv-10453 (RMB)
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SALERNO, VINCENT TESE, WESLEY S.	:
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Defendants,	:
-and-	:
	:
THE BEAR STEARNS COMPANIES, INC.,	:
a Delaware corporation,	:
	:
Nominal Defendant	:
	:
	X

**ORDER FOR ADMISSION *PRO HAC VICE* OF
JEFFREY P. FINK ON WRITTEN MOTION**

Upon the motion of David A.P. Brower, attorney for plaintiff Samuel T. Cohen and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Jeffrey P. Fink
Robbins Umeda & Fink, LLP
610 West Ash Street, Suite 1800
San Diego, CA 92101
Telephone: (619) 525-3990
Facsimile: (619) 525-3991
Email address: jfink@ruflaw.com

is admitted to practice *pro hac vice* as counsel for Jerome Birn in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including Rules governing discipline of attorneys. As this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

DATED: _____, 2008
New York, NY

HONORABLE RICHARD M. BERMAN
United States District Judge

CERTIFICATE OF SERVICE

I, David A.P. Brower, hereby certify that I caused to be filed true and correct copies of the foregoing documents:


- *PRO HAC VICE* MOTION, AFFIDAVIT, AND PROPOSED ORDER.

with the Clerk of the Court. All counsel listed below will be served copies of the foregoing documents via the U.S. Postal Service.

Dated: May 7, 2008

Respectfully submitted,

BROWER PIVEN
A Professional Corporation

By: 
David A.P. Brower
488 Madison Avenue
Eighth Floor
New York, NY 10022
Telephone: (212) 501-9000

Counsel for Plaintiff Samuel T. Cohen

Gregory Arthur Markel
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Counsel for Defendants

Brad Scott Karp
Daniel John Toal
Eric S. Goldstein
Jonathan Hillel Hurwitz
**PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP**
1285 Avenue of the Americas
New York, NY 10019
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Counsel for Defendants